

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

THERMOLIFE INTERNATIONAL, LLC,
Plaintiff

-VS-

HUMAN POWER OF N COMPANY,
Defendant

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6-21-CV-00144-ADA

**ORDER GRANTING DEFENDANT’S EMERGENCY APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

Before the Court is the Emergency Application for Temporary Restraining Order and Anti-Interference Injunction filed by Defendant Human Power of N Company (“HumanN”) on April 7, 2021. ECF No. 11. Plaintiff ThermoLife International, LLC (“ThermoLife”) filed a response on April 9, 2021 opposing to HumanN’s Application. ECF No. 26. The Court held a hearing on the same date. HumanN filed its response on April 20, 2021. ECF No. 31.

Having considered the parties’ briefs and arguments during the hearing, the Court finds good cause exists to temporarily restrain ThermoLife as requested in HumanN’s application. The Court finds that the status quo should be maintained pending the Court’s evaluation of, and ruling on, a preliminary injunction. The Court finds a substantial risk of irreparable harm to HumanN, and to the jurisdiction of this Court, if ThermoLife were to attempt to enforce or further pursue extrajudicial review of patent infringement claims relating to the products already accused of infringement in this litigation. In contrast, the harm to ThermoLife of maintaining the status quo is negligible because, if patent infringement is ultimately found, it can be remedied by an award of damages.

IT IS THEREFORE ORDERED THAT, effective immediately, ThermoLife shall refrain from taking any action to further pursue evaluation through Amazon's Patent Evaluation Process any of its patent infringement claims already pending in this case (i.e., any claims involving any of the asserted patents and accused products in this case) until further order of this Court.

IT IS FURTHER ORDERED THAT a preliminary injunction hearing is set for **3:30PM April 30, 2021**.

Because ThermoLife is unlikely to suffer harm by continuing to be subject to the jurisdiction of this Court and by maintaining the status quo, the Court finds that the proper amount of security under Rule 65(c) is Zero United States Dollars (\$0.00).

SIGNED this 21th day of April, 2021.

A handwritten signature in black ink, reading "Alan D. Albright", is written over a horizontal line.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE